IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Appellee,

vs.

ARTHUR BIRANO, Petitioner-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CR. NO. 01-1-1154)

ORDER GRANTING APPLICATION FOR WRIT OF CERTIORARI (By: Levinson, J., for the court1)

Petitioner-appellant Arthur Birano's application for writ of certiorari, filed October 24, 2005, is granted.

DATED: Honolulu, Hawai'i, November 1, 2005.

Jeffrey A. Hawk (of Hawk, Sing & Ignacio) for petitioner-appellant, on the writ

FOR THE COURT:

Associate Justi

Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.